

REMARKS

Applicants request consideration and allowance of the application in view of the above amendments and the following remarks. Claims 1, 6, 11, 15, 20, 26, 29 and 30 have been amended. Claims 16, 25, and 28 are canceled and the limitations of those claims added to claims 11, 20 and 26, respectively. New claim 31 has been added. Claims 20, 26 and 29 include the allowable subject matter of claims 25, 28 and 29, respectively, and should now be in condition for allowance.

Objections and §112 Rejections

The drawings were objected to under 37 CFR 1.84(p)(4) and 1.83(a). The drawings have been amended to include reference numbers that address these objections.

The specification was objected to for several informalities noted at page 4 of the Office Action. Correction has been made as suggested by the Examiner.

The specification was rejected under 35 USC §112, first paragraph, for several other formality issues. The specification has been reviewed for errors and amended above to address several informalities, including identification of the various embodiments illustrated in the drawings of the present application.

Claim 26 was objected to for several formalities. Claim 26 has been amended to address these issues.

Claims 1, 6, 11, 15, 21 and 27 were rejected under 35 USC §112, second paragraph, for omitting essential elements. Claims 1, 6, 11, 15 and 20 have been amended to include a more clear structural tie between the claim features identified by the Examiner. Concerning claim 27, Applicants submit that the scope of the term "coupling" as it relates to the step of "coupling the flue connection member to the appliance" in claim 26 is broad enough to permit further coupling of the appliance connection member between the appliance and the flue connection member (claim 27). Two members "coupled" together does not exclude intervening members. Therefore, claims 26 and 27 are definite and meet the requirements of 35 USC §112.

§102 Rejections

Claims 11, 12, 15, 18, 20-24 and 26 were rejected under 35 USC §102(b) as being anticipated by Binzer (US 5,299,558). Applicants respectfully traverse this rejection. As noted

above, claims 20 and 26 have been amended to include the allowable subject matter of claims 25 and 28, respectively, and should now be in condition for allowance. Therefore, this rejection is moot as to claims 20-24 and 26. Applicants do not otherwise concede the correctness of this rejection.

Binzer discloses a fireplace insert 2 that includes a venting connection system for connecting the insert to a venting passage 4. The connection system includes an adapter 58 having an attached anchoring plate 62, a tubular portion that extends into the venting passage 4, and a protruding guide flange 66 that extends from the plate 62 in an opposite direction from the tubular portion. The guide flange 66 is used to guide insertion of the adapter 58 into an aperture 36 on top of the fireplace insert 2 (see col. 3, lines 42-51 and Figures 1 and 5 of Binzer). The tubular portion and the guide flange 66 are separate members with different configurations.

The connection system is secured in place on the fireplace insert 2 with an angled bracket 68 that extends over one side edge of the anchoring plate 62 and an angled bracket 69 (mounted to a movable extension arm 70) that extends over an opposing side edge of the anchoring plate 62 (see Figures 4 and 6 of Binzer). The adapter 58 does not include opening or notches into which the brackets 68, 69 extend to retain the adapter 58 in place on the fireplace insert 2. Therefore, Binzer fails to disclose "the plate portion of the flue connection member comprises a notch and the appliance comprises a tab that extends outward from the appliance, wherein the opening and the tab are positioned such that when the flue connection member is positioned in contact with the appliance the tab extends into the notch," as required by claim 11. Applicants submit that claims 12, 15 and 18 are allowable for at least the reason they are dependent upon an allowable base claim.

New Claims and Allowable Subject Matter

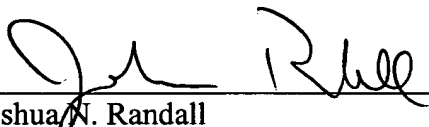
Applicants kindly thank the Examiner for the indication of allowable subject matter in claims 1, 25, 28 and 29. As noted above, claim 1 has been amended to address all formality issues and should now be in condition for allowance. The allowable subject matter of claims 25, 28 and 29 have been added to claims 20, 26 and new claim 29, respectively.

In view of the above, Applicants request reconsideration of the application in the form of a Notice of Allowance. If a phone conference would be helpful in resolving any issues related to this matter, please contact Applicant's attorney listed below at 612.371.5387.

Respectfully submitted,

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Amendments to the Drawings:

Figure 4 has been amended to include reference no. 150. Figure 5 has been amended to change one of the uses of reference no. 275 to reference no. 265. Figures 11 and 13 have been amended to include reference no. 350. Figure 14 has been amended to change the leader line for reference no. 350 to an arrow. Figure 17 has been amended to include reference no. 550. No new matter has been added.

Attachment: Replacement sheets for Figures 4, 5, 11, 13, 14, and 17.